

REMARKS

Responsive to the Official Action mailed June 22, 2006, comprising a requirement of restriction under 35 U.S.C. 121, applicant provisionally elects for further prosecution on the merits the invention identified by the examiner as **Group I** (ie., corresponding to **claims 1-5** and **claims 12-17** as original or newly presented).

This election is made without traverse.

Please cancel non-elected claims (ie., corresponding to **claims 6-11**), without prejudice to their presentation in a divisional.

Additionally, please add new claims 12-17 which are consonant with **Group I**-- ie., an axle saddle (indeed, claim 12 fairly closely tracks claim 1 except broadening the applicable geometry of things).

Consideration of new claims 12-17 is respectfully requested and as being consonant with the restriction requirement. The number of claims remains within that permitted under the filing fees previously paid. No new matter is presented.

The claims now presented particularly and distinctly define the subject matter of the invention. The differences between the invention and the prior art of record are such that the subject matter claimed as a whole is not shown by the prior art to have been known or obvious to a person of ordinary skill in the art at the time the invention was made.

No new matter is added. The disclosure as filed provides full support for claims 21-31. The terminology used in the newly presented claims is appropriate in view of the disclosure as filed, and pursuant to 35 U.S.C. § 112, first paragraph, and the authorities interpreting 35 U.S.C.

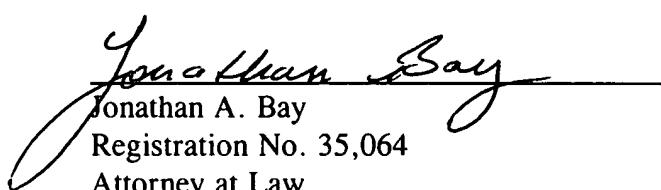
§ 112, 1st ¶. See Vas-Cath, Inc. v. Mahurkar, 19 U.S.P.Q.2d 1111 (1991);¹ and, In re Wright, 9 U.S.P.Q.2d 1649 (1989).²

This Response is accompanied by a petition for extension and the required fee.

Examination on the merits is respectfully requested.

Respectfully submitted,

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Jonathan A. Bay
Registration No. 35,064
Attorney at Law
333 Park Central East, Suite 314
Springfield, MO 65806
(417) 873-9100

Docket No. 561-2

¹ In Mahurkar, the disclosure of the invention in a design patent was deemed to provide a fully adequate basis to complete a written description of the invention in a continuation application for a utility patent (i.e., a design application served as parent for a utility application continuation). Hence the terminology of these claims is amply appropriate.

² *The fact, therefore, that the exact words here in question, 'not permanently fixed', are not in the specification is not important....The board...launched into a discussion of whether the meaning of the words is clear and whether the specification contains 'guidelines' as to what they mean. It felt the words were open to 'different interpretation', which goes to the scope of the phrase rather than support for it. We deem this to be an irrelevant inquiry. These are common, garden variety words known to every English-speaking person. The Associate Solicitor who argued this appeal (who was not the author of the brief) said he had no difficulty understanding their meaning, nor do we. [Emphasis is original.]*
In re Wright, 9 U.S.P.Q.2d at 1651.